

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2642 OF 2017

ORDER:

The present petition is filed requesting to exercise the power under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') for quashment of the proceedings in C.C.No.875 of 2016 on the file of the I-Additional Sessions Judge, Ranga Reddy District.

The petitioners, who are arraigned as accused Nos.1 to 4, filed the present petition. They alleged to have committed the offences punishable under Sections 376 (1) (f) (i), 312 and 498 (A) read with 109 of IPC, Section 5(n) read with 6 of Protection of Children from Sexual Offences Act, 2012 and Sections 3 and 4 of the Dowry Prohibition Act, 1961. Of course, the offence punishable under Section 376 (1) (f) (i) of IPC is alleged only against the 1st petitioner/accused No.1.

Sri Y.Ashok Raju, having tendered elaborate arguments in support of the request of the petitioners for quashment of proceedings in the aforesaid Case, however, restricts the request of the petitioners to that of exempting their presence. When the same is also not conceded to, then the learned counsel urges to exempt the appearance of the 2nd petitioner, who is suffering from kidney disease and undergoing dialysis. Along with the material papers, learned counsel filed a copy of the medical certificate, dated 20.02.2017, issued by the Medical Superintendent of Orange Hospitals, L.B. Nagar, Hyderabad, which reflects that the 2nd petitioner has been undergoing treatment for dialysis under the care of

Dr. Rama Shankar (Consultant Nephrologist) and he is under regular hemodialysis twice under the Scheme of 'Aarogya Shree', and Haematology report has also been filed.

The request concerning exemption of the appearance of the 2nd petitioner during trial proceedings before the learned the I-Additional Sessions Judge, Ranga Reddy District, is reasonable, when kept in view, the medical records filed and, therefore, the same is acceded to. However, the 2nd petitioner shall appear before the learned Sessions Judge on the date of examination under Section 239 of the Code, if it is not yet done, and when the case reaches the stage of examination under Section 313 Cr.P.C and also on all other occasions as and when the learned Sessions Judge directs him to appear, if his presence is absolutely necessary.

With the above observations, the Criminal Petition is disposed of at the stage of admission itself.

Miscellaneous applications, if any pending in this petition, stand closed.

A. SHANKAR NARAYANA, J

03rd April, 2017
v v